

MEMBERS PRESENT

Chairman Sena
Vice Chairman Glover
Mr. FitzPatrick
Mrs. Hayes
Mr. Polish
Mr. Prengaman
Mr. Stewart
Mrs. Wagner

MEMBERS ABSENT

Mrs. Westall

GUESTS PRESENT

Barney Dehl, Nevada Highway Patrol
Dallas Byington, Nevada Cattlemen's Assn.
Bob Warren, Nevada Mining Assn.
Bill Macdonald, Humboldt County
C. B. Thornton, Jr., T Lazy S Ranch
Clarence L. Price, T Lazy S Ranch
Senator Glaser
Robert Zanger, Reno Gem & Mineral Society
G. P. Etcheverry, Nevada League of Cities

Chairman Sena called the meeting to order at 4:15 p.m.

S.B. 487 - Changes method of computing number of certain personnel of Nevada highway patrol.

Mr. Dehl, Chief, Nevada Highway Patrol, appeared in support of S.B. 487. He explained that this bill eliminates the numerical restriction of 151 patrolmen and changes the number allowed to a ratio system in which troopers cannot exceed one officer for every 3,750 vehicles registered in the state. S.B. 487 would also eliminate the necessity for requesting the legislature to change the law every 2 years regarding the number of patrolmen.

Mrs. Wagner said her review of the fiscal note on this bill indicated there would be no fiscal impact at this time but that there would be in the future in terms of the fact that the budget process will be dictated to because of the ratio. Mr. Dehl said that was not the intent of the bill. Mrs. Wagner read the fiscal note to the committee. Mr. Dehl explained that one patrolman for every 3,750 vehicles was the limit but there would

not necessarily be that many since the number would also be based on the budget.

Mr. Stewart asked why Mr. Dehl was asking for an increased number of officers as provided in S.B. 487. Mr. Dehl said they were trying to furnish the same level of service as had been provided in past years. With 151 patrolmen the ratio is one to every 4,438 vehicles. Mr. Dehl told Mr. Stewart the Highway Patrol was definitely understaffed since accidents increased from 5,940 to 7,698 last year and they are spending more time on accidents and less time on services to the public.

S.B. 47 - Creates new category of minor county roads.

Mr. Bob Warren, Executive Secretary of the Nevada Mining Association, said this bill will give the counties a tool by which they can maintain some control over their public domain. The Bureau of Land Management has just completed its first list and has indicated that approximately one-half of its lands will be studied for possible wilderness areas. It has given the public 90 days during which it must respond to identify those areas that have man-made features or are roads.

Mrs. Wagner expressed concern with Section 7 and felt that a local governing body could actually deny public use of a road that might go through private property.

Mr. Dallas Byington, representing the Nevada Cattlemen's Association, desired to go on record as supporting S.B. 47. The ranchers use the roads or jeep trails on BLM and Forest Service Lands to maintain their operations. Mr. Byington said that ranchers in Colorado are not allowed on land which has recently been proclaimed wilderness by the BLM and the ranchers will be forced to give up their range rights in that area.

Senator Glaser said he introduced this bill because of the problem created by federal land managing bureaus setting aside huge tracts of land throughout Nevada as wilderness areas in which there would be no roads. The BLM definition of a road does not cover the many roads in Nevada used by ranchers, miners, fishermen, hunters and so forth. Other states have approached this problem in the manner which S.B. 47 attempts to do and that is by designating roads and describe in the statutes what constitutes a road.

Mr. Bill Macdonald, District Attorney for Humboldt County, responded to Mrs. Wagner's question regarding Section 7 by stating it was believed that if this section was restricted to a political subdivision it would mean there would be a very studied decision made by that body before they authorized a law suit to be filed.

Mr. Macdonald stated that S.B. 47 goes further than just being a bill which protects the right of access to areas administered by the Bureau of Land Management and the Forest Service since the also affects many other roads. By defining a public road in the statutes, it will take care of many situations.

Mrs. Wagner requested Mr. Macdonald to ascertain if the County Commissioners would have to hold a public hearing before bringing an action as set forth in Section 7. Mrs. Wagner further asked about the fiscal impact. Mr. Macdonald said the fiscal note had not been redrawn since the bill was amended.

Various aspects of the bill were discussed by the committee with Mr. Macdonald and Mr. Warren. Mr. Warren said Assemblyman Rhodes was requesting an amendment on page 2, line 33, which would make that line read, "Has been open to unrestricted public travel..." Mr. Macdonald requested that he be permitted to have some input if such an amendment was to be considered.

Mr. C. B. Thornton, Jr., a rancher and farmer near Battle Mountain, Nevada, said that he had many posted private roads within his ranch over which he does allow the public to travel. Mr. Thornton further said he was not concerned that S.B. 47 changes the legal status of his roads, but he is concerned about unnecessary legal costs which might arise through misunderstanding or misimpression as created by the bill. He would like to see the bill amended so that private landholders do not become involved in legal actions with the Federal Government.

Mr. Thornton suggested two possible ways to amend lines 33 and 34 on page 2. One, "Has been open and unrestricted to public travel....". Two, "Has been open to public travel for 5 years or longer by vehicles with four or more wheels without restriction by the owner of the land over which the road passes..."

Mr. Clarence Price, attorney for Mr. Thornton, suggested that the second suggested amendment would protect the rancher more than the BLM.

Chairman Sena requested that Mr. Thornton, Mr. Price and Mr. Macdonald to review the suggested amendments and reach agreement.

Mr. Robert Zanger, Reno Gem and Mineral Society, appeared in support of S.B. 47. A copy of certain pertinent points of Mr. Zanger's testimony, together with signatures of proponents of the bill, is attached as Exhibit A. Mr. Zanger discussed the BLM's standards for proclaiming certain areas as wilderness and explained BLM's map of proposed wilderness areas to the committee.

Mrs. Wagner suggested S.B. 487 be referred to Ways and Means to clarify the fiscal impact before passing it out of committee.

There being no further business to come before the committee, the meeting was adjourned at 6 p.m.

Respectfully submitted,

Jane Dunne
Assembly Attache

R.G.M.S.
4 May 1979

To: Transportation Committee
Assembly of the State of Nevada
Carson City, Nevada.

Dear Sirs:

We the undersigned friends and members of the Reno Gem and Mineral Society are asking your co-operation in the passage of S.B. 47, roads of necessity act.

As you are already aware the federal government controls a large amount of the land in Nevada. It has come to our attention that they are at present researching the feasibility of declaring some of these lands Wilderness Areas. By doing this the federal authorities would be able to ban motored vehicle from crossing these areas except on declared roadways. Many of the roads we use to gain access to remote areas would be denied us under this action, as they are at present un-declared roadways.

Our local chapter has approximately 300 member who use these roads, statewide the membership of Rockhound Clubs is approximately 1,500. The passage of this bill will make it possible for a large number of your constituents to continue in their recreational pursuits. If you would add to this the 18,500 Californians who belong to Rockhounding clubs who come to Nevada as tourists to enjoy our industries and mineral deposits, it is apparent that this bill will have far-ranging effects that are positive to the economy and recreational benefit of Nevada.

We wish to thank-you for both your time and consideration in this matter.

Exhibit A

Robert L Zanger	2307 Patton Dr. Reno
Joyce M. Black	1108 Probasco Way Sparks
Norma Tomlinson	174 E. 8 th ave. Sun Valley, NV
Donald L. Black	1108 Probasco Sparks
Bill Tomlinson	174 E 8 th ave Sun Valley, NV
Clara Wood	172 E 8 th ave Sun Valley, NV
Lloyd L. Eastman	460 Sun Best Cir. Sun Val
Ivan E. Lange	150 E. Gault way, Sparks, Nev
Chi Lange	150 E Gault Way Sparks NV
Dorothy Ballou	2035 Cannon apt E Reno Nev
Hilma Guehrig	2540 Dyer way Reno, Nev
Isabel S. Rosen	332 Smithridge Park Reno NV
Frank Vallette	172 8 th ave E Sparks Nev.
Frank Stewart	325 1 st Sparks Nev.
Louise Stewart	325 I. St, Sparks, Nev.
James C. Lewis	475 Leopard Kelly Cr.
Lowell E. Milburn	438 PVR Amed W & X SPARKS Sparks, NV
Nellie Doreen	438 Pyramid Way Sparks
Alan Clark	6337 Hamilton Ct, Chino co.
Margaret Peterson	2055 Cannon apt F Reno Nev
Pat Guerson	850 Naudy Dr Reno Nev
Lucille Parker	106 Whitaker Way Reno
Bob Parker	106 Whitaker way Reno